

Aberdeen Captioning

committed to the **WORD**

September 20, 2006

Kevin J. Martin, Chairman
Michael J. Copps, Commissioner
Jonathan S. Adelstein, Commissioner
Deborah Taylor Tate, Commissioner
Robert M. McDowell, Commissioner

Dear Commissioners,

We are extremely concerned about the decisions taken by the Federal Communications Commission (FCC) on September 12, 2006 and particularly the following comment: *"in the future, when considering an exemption petition filed by a non-profit organization that does not receive compensation from video programming distributors from the airing of its programming, and that, in the absence of an exemption, may terminate or substantially curtail its programming, or curtail other activities important to its mission, we will be inclined favorably to grant such a petition"* This statement appears to open the door to eliminate closed captions from nearly all religious and non-profit programming. This action appears to reverse the FCC position and not comply with the Americans with Disabilities Act which has established closed captioning access to all. We respectfully ask that the FCC reverse its September 12, 2006 decisions and position regarding television captioning waivers.

Our company, Aberdeen Captioning Inc., has specialized in providing closed captioning services to religious video producers and television stations since June 2001. We've built our business (25 employees and contract employees) based on the laws and position established by the FCC requiring captions and have seen great success serving both small and large ministries. We are able to provide captioning for as little as \$60 per 30 min show for live and \$150 for 30 min show for post production – 50% less than most other companies. This reduced pricing has allowed ministries to provide closed captioning while still carrying on business and maintaining their mission. We can show, without question, that non-profit and ministry organizations can and should be required to provide closed captioning services on their video programming. Aberdeen has over 100 clients captioning weekly or daily programs ranging from KTVN, Daystar, Cornerstone Television to smaller churches. We would be glad to provide our entire customer list and books to show that these companies are actually captioning and paying Aberdeen to perform this service. Nearly all these programmers receive donations/offerings from their viewers.

The larger concern is the precedence that will be set if exemptions are granted just because a non-profit states captioning costs will affect their mission. Every one of the companies we caption for could justify that they could provide additional services (mission essential) with the money that they could save from not captioning. It is our position that this reasoning should not be used solely as a reason to grant an exemption because this would most likely lead to all non-profit religious organizations filing for an exemption. In speaking with Thomas Chandler of the FCC, I was made aware of several hundred exemption requests that are not posted on the website. Since previous requests have been posted on the FCC website, how are advocates of closed captioning able to provide feedback to the FCC if we are not made aware of the enormous number of exemption requests prior to the decision being implemented? More importantly, will the non-profit/religious programmers that are currently captioning be granted an exemption? In your due-diligence process of an exemption request, are you asking if they are currently captioning? It surely would be a major disservice to the hearing-impaired community if programs that are currently captioned were allowed to become exempt.

Over the past 5 years the video/television industry has seen incredible growth with additions of channels beyond our imagination 10-20 yrs ago. The United States of America has grown because we are a capitalistic society which invites ingenuity and creativity. Rules/regulations are

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established and businesses/consumers find ways to meet these rules. This has been the case thus far with captioning. There has been no decline in programming because captioning is necessary. By granting an exemption to video program producers, you are effectively taking airtime away from programmers that would provide captions. By doing so, you are going against the very standards and goals you uphold – closed captioning access to all!

The following are comments by yourselves, the FCC Commissioners, supporting captioning and meeting the needs of the hearing-impaired:

Statements by commissioners in regards to 07-20-05
FCC Launches Review of Closed Captioning Rules.
Notice of Proposed Rulemaking (CG Docket No. 05-231, FCC 05-142)

**Quotes from the STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Those consumers that rely on Telecommunications Relay Services and Closed Captioning Services must not be left out of the telecommunications revolution.

The Commission is more committed than ever to ensuring that the goals of the ADA are achieved. The actions we take today join the many others that the Commission has taken over the years to eradicate the barriers that stand in the way of functional equivalency. Functional equivalency means individuals with disabilities having access to the same services as everyone else. This equal access is vital to accessing jobs, education, public safety, and simple communications with family, friends, and neighbors.

**Quotes from the STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

One of our most important responsibilities is to make sure that there are no telecom “have-nots,” and that the wealth of services provided by today’s new technologies are available to all consumers.”

“Lou Ann Walker, a noted advocate for the hearing-impaired, once said that the inability to hear is a nuisance, but the inability to communicate is a tragedy. ...we are helping to turn tragedies into nuisances.”

**Quotes from the STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

“Functional equivalency” may sound like Washington jargon, but for 54 million Americans it translates into equal opportunity, equal rights and fuller participation in society.

By granting the petition for rulemaking filed by Telecommunications for the Deaf, the National Association of the Deaf, Self Help for Hard of Hearing People, the Association for Late Deafened Adults and the Deaf and Hard of Hearing Consumer Advocacy Network, we make an effort to keep our rules current and ensure that video programming is accessible to everyone.

**Quotes from the STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

I fully support this Notice to seek comment on the adequacy of our current closed captioning rules and on how the rules can be made more effective and efficient.

Both Congress and the Commission have recognized how important it is that all people have access to video programming, which is increasingly affecting how we operate in the home, at the office, and at school.

we must remain committed to ensuring that video programming is not only accessible, but also high quality.

Today's rulemaking takes another step forward toward ensuring that the hearing-impaired community receives functionally equivalent video programming services. I commend my colleagues for their dedication to confronting these issues that are so important for the deaf and hard of hearing community

Our country, the United States of America, was founded on the pursuit of religious freedom. If the FCC begins to grant exemptions in mass numbers to non-profit/religious organizations, entire segments of many television station's air day will be without captions. This goes against every comment made above by the commissioners that video programming be accessible to everyone. Those hearing-impaired individuals that watch religious programming will be left behind and that would be a tragedy!

Churches make up a very important part of every community. It is within their mission to support the basic needs of all people within their reach. Nearly all religious programming asks for donations or offerings at some point in the show or season. By providing captions to meet the needs of a significant population group, the churches will find themselves with an expanded TV viewership, which will lead to an increase in their membership and other support from the community. When children and adults are able to read captions on religious programs, they are influenced to live up to high moral standards and contribute their part to the community. Hearing loss is the number one growing disability among senior citizens - they are finding themselves depending on captioning to listen to the message.

All video programmers have had ten years to prepare for the captioning regulations now in place, and temporary waivers when appropriate. When you give permanent exemptions to the two programmers, it reverses all the access we have worked on for years. We ask that the FCC reconsider that a cost of as little as \$60 per program is truly an undue burden and worth the risk of tragically eliminating captions from religious programming.

Thank you for your consideration,

Sincerely,

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US Senators, Dianne Feinstein and Barbara Boxer

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